

Purpose of This Form. This form is for use by a person in the United States who is applying for adjustment of status to that of a lawful permanent resident of the United States and who benefits from the provisions of section 245(i) of the Immigration and Nationality Act (the Act). It allows the applicant to determine whether he or she must file under this provision and whether an additional sum will be required. It also collects statistical information needed by the Immigration and Naturalization Service (INS).

Section 245(i) of the Act temporarily lifts certain restrictions on eligibility for adjustment of status to that of a lawful permanent resident of the United States. It allows an otherwise eligible applicant to adjust status under section 245 of the Act without regard to manner of entry into the United States and without regard to most immigration status violations. The applicant may be required to pay an additional sum when applying under this provision.

Who May File. An eligible applicant must:

- be physically present in the United States;
- have an immediately available immigrant visa number;
- be admissible to the United States for permanent residence;
- properly file an application for adjustment of status on or after October 1, 1994, and must adjust status under section 245 of the Act before October 1, 1997;
- pay the required additional sum, or show that section 245(i) of the Act does not require the payment of an additional sum; and

NOT Be a Person Who:

- is or was a J-1 or J-2 exchange visitor, is subject to the two-year foreign residence requirement, and has not complied with or been granted a waiver of the requirement;
- has A, E or G nonimmigrant status, or has an occupation which would allow such status, UNLESS Form I-508 (Form I-508F for French nationals) is filed to waive diplomatic rights, privileges and immunities, and, if in A or G nonimmigrant status, a completed Form I-566 is submitted;
- is already a lawful permanent resident;
- is applying for adjustment of status as an immediate relative or preference alien and is not the beneficiary of a valid unexpired immigrant visa petition; or
- was admitted as a K-1 fiancé(e) but did not marry the U.S. citizen who filed the petition, or was admitted as the K-2 child of a fiancé(e) and the alien fiancé(e) parent did not marry the U.S. citizen who filed the petition.

See the Form I-485, "Application to Register Permanent Residence or Adjust Status" instructions for additional information about the immediate availability of immigrant visa numbers, admissibility and proper filing of an application for adjustment of status.

General Filing Instructions.

Each applicant for the benefits of section 245(i) of the Act, including a child, must complete and file:

- Form I-485, and the required supporting forms, documents and fee shown in the Form I-485 instructions; and
- Supplement A to Form I-485, and any additional sum required by Public Law 103-317.

First, complete Form I-485 following the instructions. Then, complete Supplement A to Form I-485 to determine whether you need to file Supplement A to Form I-485, and to determine whether you must pay the additional sum.

Where to File. File Form I-485 and Supplement A to Form I-485 with the office having jurisdiction over your place of residence.

When to File. To benefit from Public Law 103-317, you must file this form on or after October 1, 1994, and must adjust status before October 1, 1997.

Additional Sum. In addition to the fee required by Form I-485, you must pay the additional sum (if any) shown in Part II, #13 of this form. The additional sum must be submitted in the exact amount. It cannot be refunded. **DO NOT MAIL CASH.** All checks and money orders must be drawn on a bank or other financial institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the Immigration and Naturalization Service, except:

- If you live in Guam, and are filing this application in Guam, make your check or money order payable to the "Treasurer, Guam."
- If you live in the Virgin Islands, and are filing this application in the Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands."

Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of \$5.00 will be imposed if a check in payment of an additional sum under Public Law 103-317 is not honored by the bank on which it is drawn.